

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**GENEITHE EDWARDS,**  
**Plaintiff,**  
**v.**  
**CHASE BANK USA, N.A.,**  
**Defendant.**

) **Case No.:**  
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)  
)  
) **JURY TRIAL DEMANDED**  
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**COMPLAINT**

GENEITHE EDWARDS (“Plaintiff”), by and through her attorneys,  
KIMMEL & SILVERMAN, P.C., alleges the following against CHASE BANK  
USA, N.A. (“DEFENDANT”):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection  
Act, 47 U.S.C. §227.

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. §1331. See  
Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

1           3. Defendant regularly conducts business in the Commonwealth of  
2 Pennsylvania, thus, personal jurisdiction is established.

3           4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).  
4

5                                   **PARTIES**

6           5. Plaintiff is a natural person residing in Tobyhanna, Pennsylvania  
7 18466.

8           6. Plaintiff is a “person” as that term is defined by 47 U.S.C. §153(39). .  
9

10          7. Defendant is a corporation with its principal place of business located  
11 at 200 Ottawa Avenue NW, Grand Rapids, Michigan 49503.

12          8. Defendant is a “person” as that term is defined by 47 U.S.C. §  
13 153(39).  
14

15          9. Defendant acted through its agents, employees, officers, members,  
16 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
17 representatives, and insurers.  
18

19                                   **FACTUAL ALLEGATIONS**

20          10. Plaintiff has a cellular telephone number.

21          11. Plaintiff has only used this number as a cellular telephone.

22          12. Beginning in November or December 2015, Defendant began to  
23 contact Plaintiff repeatedly on her cellular telephone.  
24  
25  
26

1           13. When contacting Plaintiff on her cellular telephone, Defendant used  
2 an automatic telephone dialing system and/or pre-recorded voice.

3           14. Each call began with an automated recording.

4           15. Defendant's telephone calls were not made for "emergency purposes;"  
5 rather, Defendant was attempting to collect a monthly balance remaining on her  
6 auto loan obtained from the Defendant.  
7

8           16. Plaintiff spoke with Defendant in January 2016 and revoked any  
9 consent that she may have given them to contact her on her cellular telephone and  
10 home telephone numbers.  
11

12           17. Defendant heard and acknowledged Plaintiff's request to stop calling  
13 by responding that Plaintiff would "continue to receive calls."  
14

15           18. Once Defendant was told the calls were unwanted and to stop, there  
16 was no lawful purpose to making additional calls, nor was there any good faith  
17 reason to place the calls.  
18

19           19. Plaintiff repeatedly told Defendant's representatives to stop the calls  
20 from January through May 2016.

21           20. Upon information and belief, Defendant conducts business in a  
22 manner which violates the Telephone Consumer Protection Act.  
23  
24  
25  
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28

**DEFENDANT VIOLATED THE TELEPHONE CONSUMER  
PROTECTION ACT**

21. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

22. Defendant initiated automated calls to Plaintiff using an automatic telephone dialing system.

23. Defendant's calls to Plaintiff were not made for emergency purposes.

24. Defendant's calls to Plaintiff, on and after January 2016, were not made with Plaintiff's prior express consent.

25. Defendant's acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.

26. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.

27. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles damages.

1 WHEREFORE, Plaintiff, GENEITHE EDWARDS, respectfully prays for a  
2 judgment as follows:

- 3 a. All actual damages suffered pursuant to 47 U.S.C. §  
4 227(b)(3)(A);  
5  
6 b. Statutory damages of \$500.00 per violative telephone call  
7 pursuant to 47 U.S.C. § 227(b)(3)(B);  
8  
9 c. Treble damages of \$1,500.00 per violative telephone call  
10 pursuant to 47 U.S.C. §227(b)(3);  
11  
12 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);  
13  
14 e. Any other relief deemed appropriate by this Honorable Court.

15 **DEMAND FOR JURY TRIAL**

16 PLEASE TAKE NOTICE that Plaintiff, GENEITHE EDWARDS, demands  
17 a jury trial in this case.

18 Respectfully submitted,

19 DATED: May 20, 2016

20 By: /s/ Amy Lynn Bennecoff Ginsburg  
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